

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 20660 of 2000

Between:

N.Venkataswamy, S/o.Venkanna,
Nidasanametla, Kapileswarapuram Mandal,
East Godavari District.

..... PETITIONER

AND

- 1 District Collector,
East Godavari District, Kakinada.
- 2 Revenue Divisional Officer,
Rajahmundry Division, E.G.District.
- 3 Mandal Revenue Officer,
Kapileswarapuram Mandal, E.G.District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of Mandamus declaring the action of the respondents in taking steps to dispossess the petitioner from the land in R.S.NO.74/1 of Nidasanametla Village, Kapileswaram Mandal, East Godavari District without following the procedure as illegal, arbitrary and violative of fundamental rights guaranteed under Constitution of India and consequently direct the respondents to drop all further proceedings in dispossessing the petitioner from the said land and pass such further or other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner:MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

Petitioner, who is the cultivating tenant of the land in Sy. No. 74/1 of Nidasanametla village of Kapileswarapuram Mandal in East Godavari District belongs to Sri Pattabhiramaswami vari devasthanam filed the present writ petition to declare the action of the respondents in taking steps to dispossess the petitioner from the said land.

The contention of the petitioner is that while he has been continuing in possession of the said land as a cultivating tenant, the officials of the respondents have been interfering with his possession without following due process of law and they visited the property on 26.10.2000 and informed that they are going to take possession of the property within a week. When he enquired with the landlord, he was informed that they are not aware of anything. The officials of the respondents are insisting him to vacate the said land to enable them to take steps. Hence the present writ petition.

Respondents filed a counter affidavit stating that the villagers of the said village have applied for provision of house sites in Endowment land in an extent of Ac.6.09 cents in R.S. No. 74. But before the initiation of the land acquisition proposals in this case, the petitioner has filed the writ petition on apprehension and obtained interim orders. It is further submitted that so far no land acquisition proposals have been initiated in the instant case.

Considering the facts and circumstances of the case, since the petitioner has no right to assail the correctness of the land acquisition proceedings if any initiated by the respondents, and since the present writ petition has been filed merely on apprehension, and since the land acquisition proceedings have not been initiated as on the date of filing of the writ petition, there is no cause of action for the petitioner to file the writ petition. Hence the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

kvsn 22-06-2005

To

- 1 District Collector,
East Godavari District, Kakinada.
- 2 Revenue Divisional Officer,
Rajahmundry Division, E.G.District.
- 3 Mandal Revenue Officer,
Kapileswarapuram Mandal, E.G.District.
- 4 Two CCs to GP for Revenue, High Court buildings, Hyderabad.
- 5 Two CD copies.